



APPLICATION ACCEPTED: June 14, 2012
DATE OF PUBLIC HEARING: September 11, 2013*
*Moved at the applicant's request
TIME: 9:00 a.m.

County of Fairfax, Virginia

September 4, 2013

STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2013-SP-045

SPRINGFIELD DISTRICT

APPLICANT: Eric Larson

OWNER: Eric J. Larson
Maite A. Larson

LOCATION: 8904 Stewart Street, Burke, 22015

SUBDIVISION: Homewood

TAX MAP: 78-2 ((02)) 12

LOT SIZE: 38,734 square feet

ZONING: R-1

ZONING ORDINANCE PROVISION: 8-914, 8-922

SPECIAL PERMIT PROPOSAL: To permit reduction to minimum yard requirements based on error in building location to permit accessory storage structures to remain 10.3 ft. from rear lot line and 8.4 ft. and 1.7 ft. from side lot line and to permit reduction of certain yard requirements to permit construction of addition 13.0 ft. from the side lot line.

Recommendation: Staff recommends approval of SP 2013-SP-045 for the addition with adoption of the proposed development conditions contained in Appendix 1.

O:\rhomer\Special Permits\Larson 50% and error\Larson staff report.docx

Rebecca Homer

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicants/owners from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

The approval of this special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

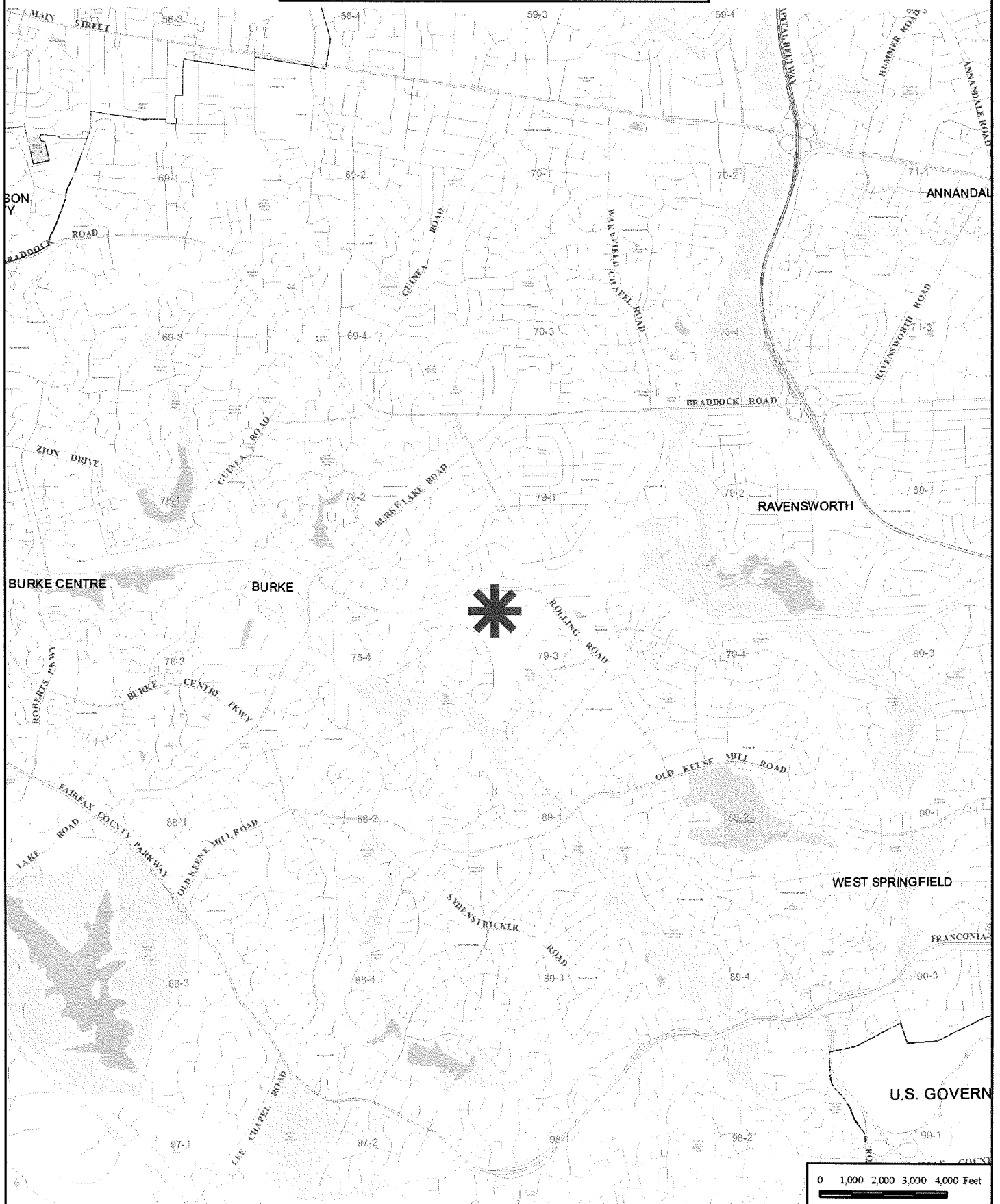


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

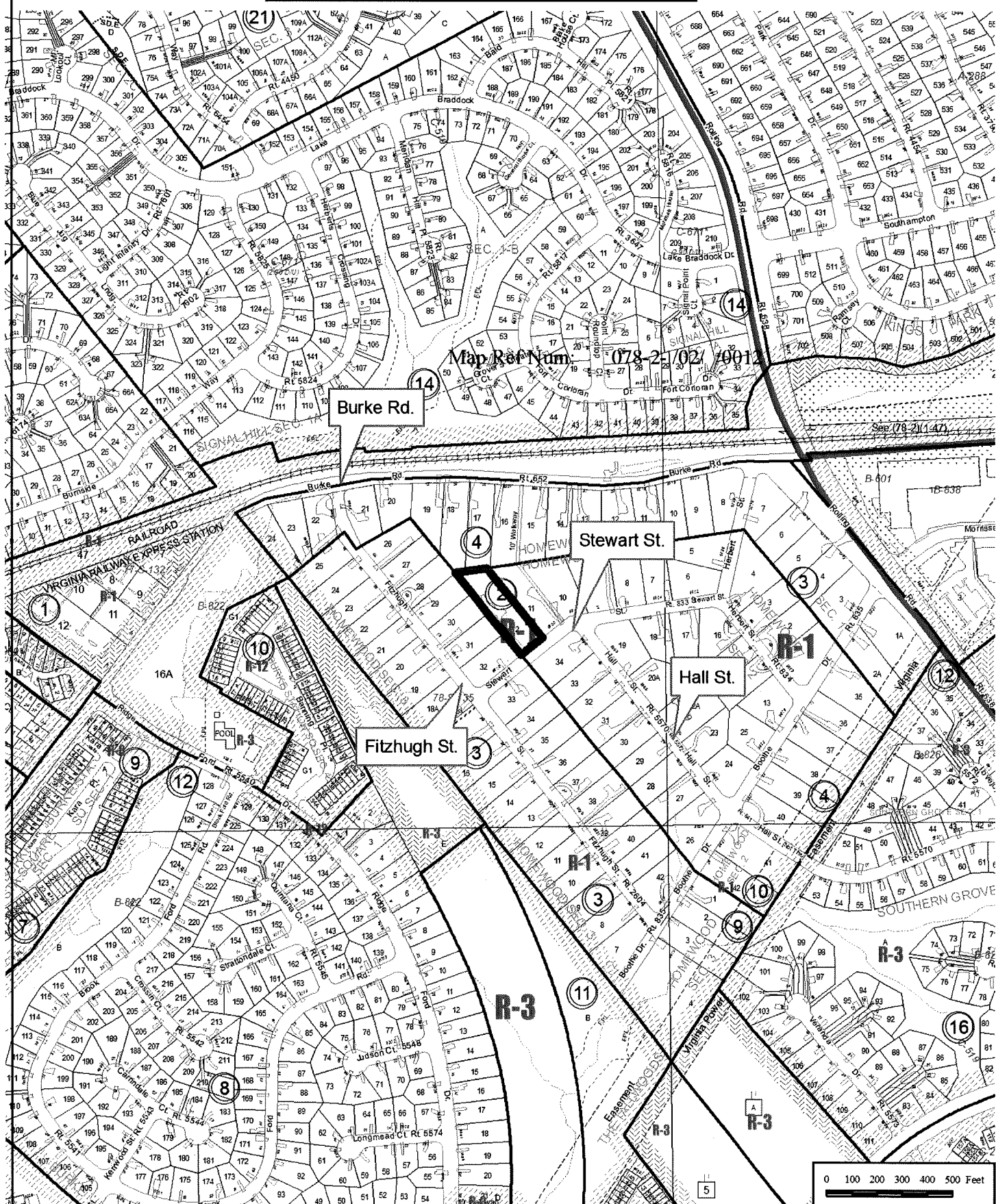
Special Permit

SP 2013-SP-045

ERIC LARSON



Special Permit SP 2013-SP-045



NOTES:

1. TAX MAP: 78-2-002-0012
2. ZONE: R-1 (RESIDENTIAL 1 DU/AC)
3. LOT AREA: 38,734 SF (0.8892 AC)
4. REQUIRED YARDS:
FRONT: 40.0 FEET
SIDE: 20.0 FEET
REAR: 25.0 FEET
5. HEIGHTS:
EX. DWELLING: 16.3 FEET (MIDLINE OF ROOF)
EX. SHEDS: AS NOTED
PROPOSED GARAGE: 11.6 FEET (MIDLINE OF ROOF)
EX. OF: 16.8 FEET (MIDLINE OF ROOF)
EX. FENCES: AS NOTED
6. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
7. THERE IS NO OBSERVABLE EVIDENCE OF GRAVE SITES OR BURIAL GROUNDS ON THIS PROPERTY.
8. ALL IMPROVEMENTS SHOWN ON THIS PLAT ARE EXISTING UNLESS DENOTED AS PROPOSED.
9. THE SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS PROPERTY.
10. TOPOGRAPHY DELINEATED HEREON WAS TAKEN FROM AVAILABLE RECORDS, IS SHOWN AT 5' INTERVALS, AND IS AERIAL.
11. THERE ARE NO FLOODPLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
12. AREAS:
EX. BASEMENT = 1,457 SF
EX. FIRST FLOOR = 1,817 SF
EX. GROSS FLOOR AREA = 3,274 SF
EX. FLOOR AREA RATIO: EX. GFA (3274) / LOT AREA (38734) = 0.08
PROP. GARAGE = 482 SF / EX. GFA (3274) = 0.15
PROP. GROSS FLOOR AREA: EX. GFA (3274) + PROP. GAR. (482) = 3,756 SF
PROP. FLOOR AREA RATIO: PROP. GFA (3756) / LOT AREA (38734) = 0.10

NOT TO SCALE

PLAT

SHOWING THE IMPROVEMENTS ON

LOT 12, SECTION TWO

HOMEWOOD

(DEED BOOK 795, PAGE 315)

FAIRFAX COUNTY, VIRGINIA

SPRINGFIELD DISTRICT

FEBRUARY 22, 2013

MARCH 12, 2013 (REV.)

SCALE: 1" = 30'

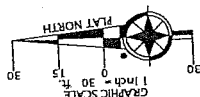
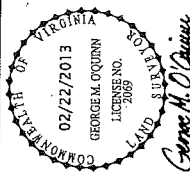
I HEREBY CERTIFY THAT THE POSITIONS OF ALL THE EXISTING IMPROVEMENTS HAVE BEEN CORRECTLY ESTABLISHED BY A CURRENT FIELD SURVEY AND THAT THE PLAT ACCURATELY SHOWS THE VISIBLE ENCUMBRANCES AS OF THIS DATE.

THIS PLAT IS SUBJECT TO RESTRICTIONS OF RECORD. A TITLE REPORT WAS NOT FURNISHED. NO CORNER MARKERS SET.

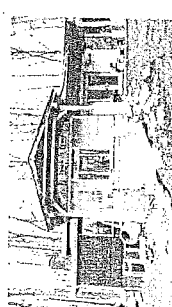
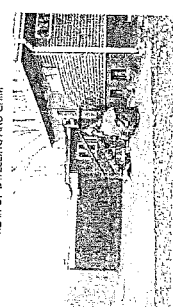
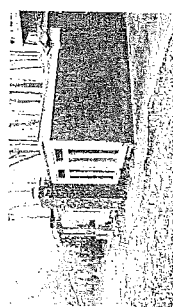
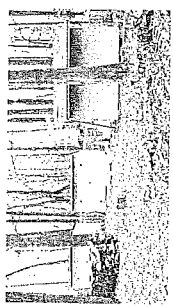
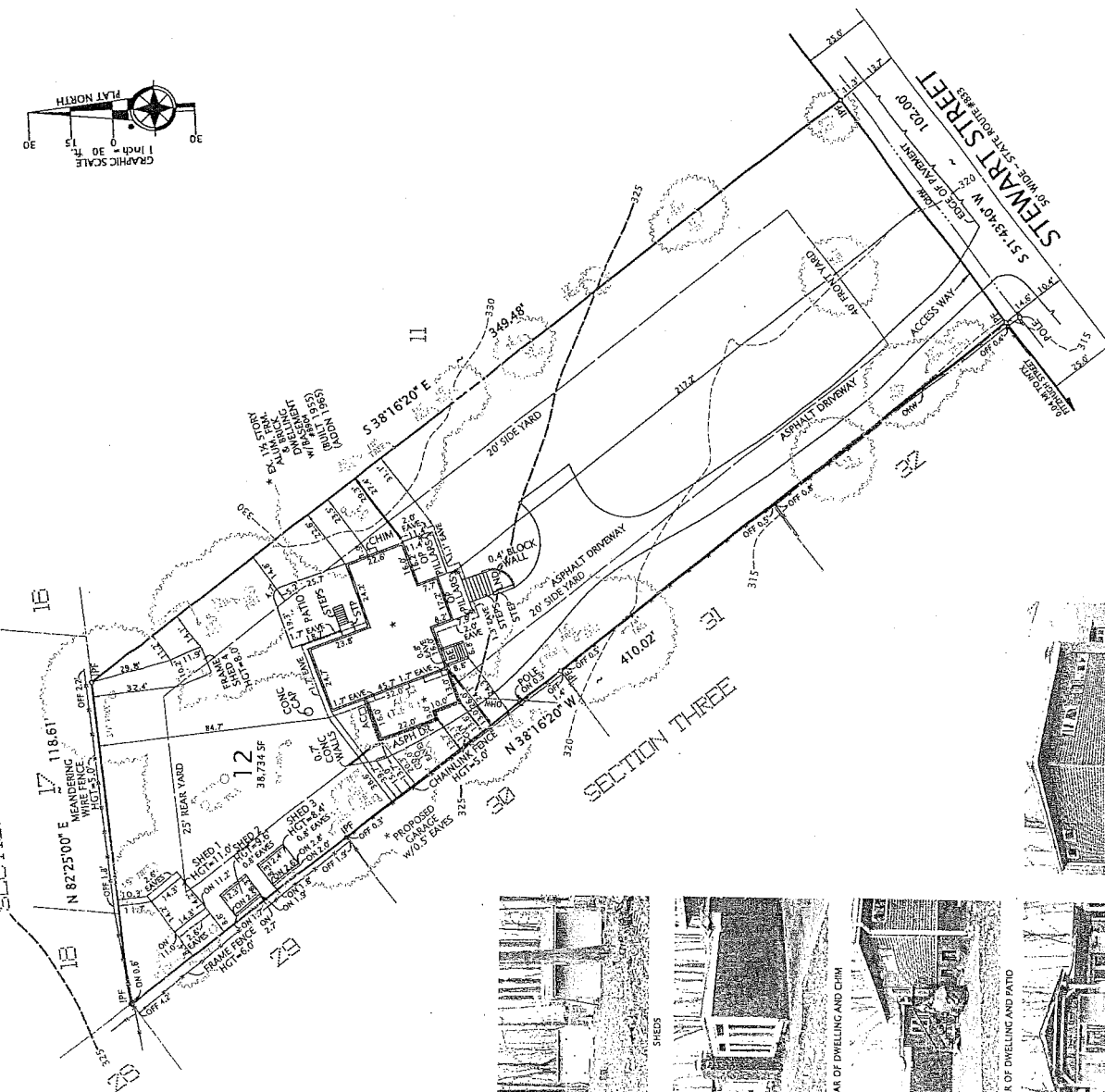
CASE NAME:

ERIC J. LARSON
MAITE A. LARSON

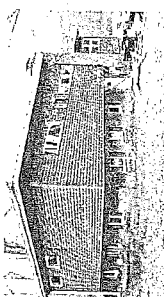
DOMINION Surveyors Inc.
8808-H PEAR TREE VILLAGE COURT
ALEXANDRIA, VIRGINIA 22309
703.619.4555
FAC: 703.795.6412



SECTION ONE



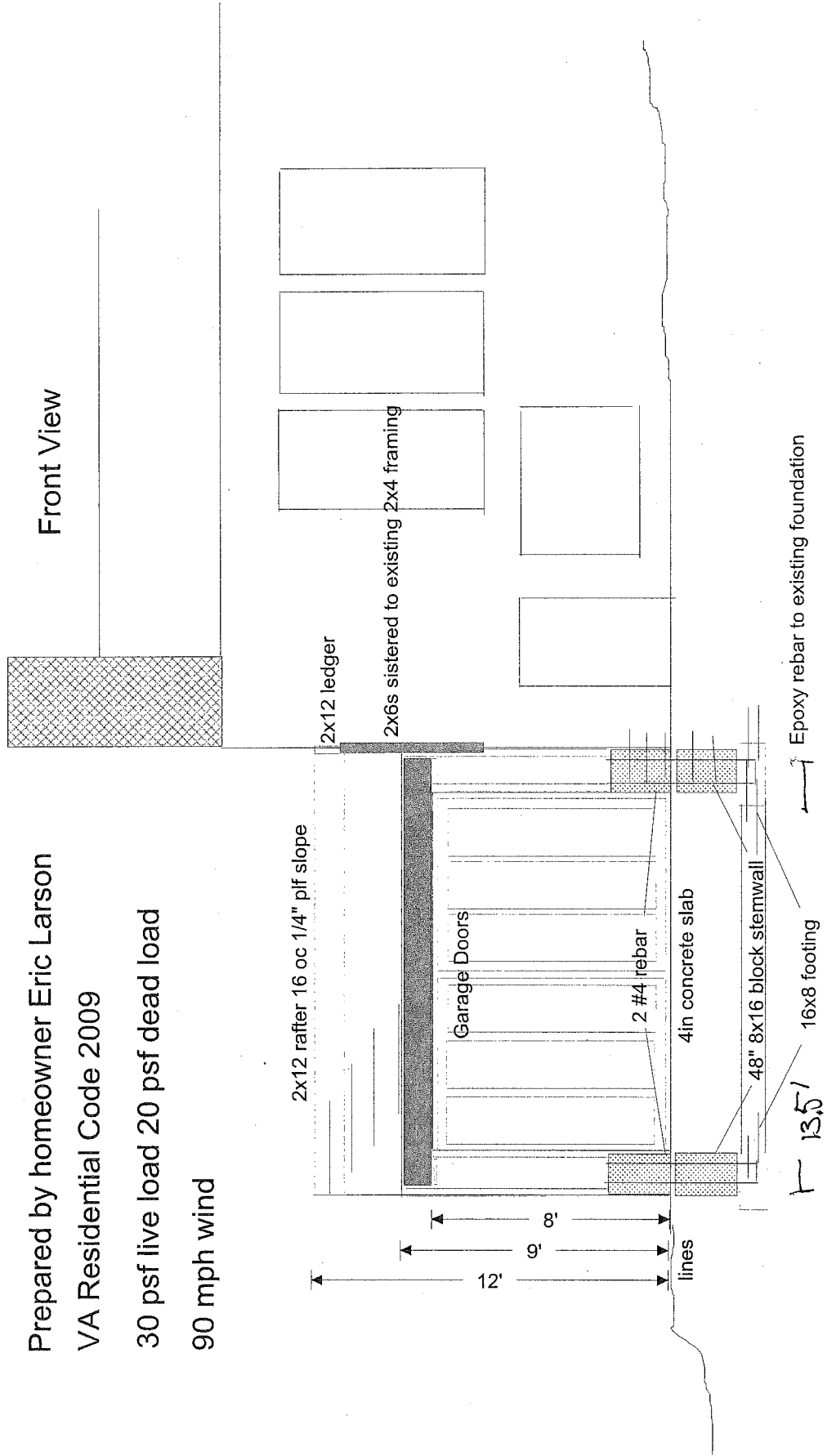
REAR OF DWELLING AND CHIM



REAR OF DWELLING

Prepared by homeowner Eric Larson
VA Residential Code 2009

30 psf live load 20 psf dead load
90 mph wind



RECEIVED
Department of Planning & Zoning

AUG 14 2012

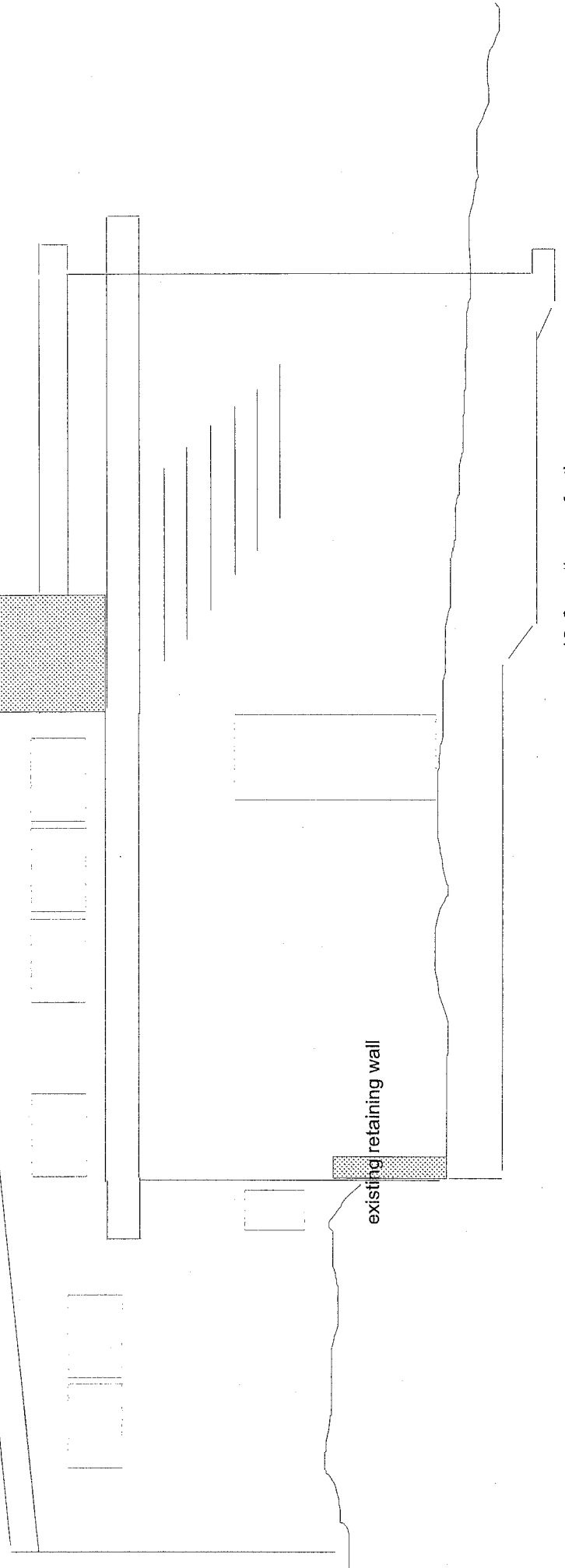
Zoning Evaluation Division

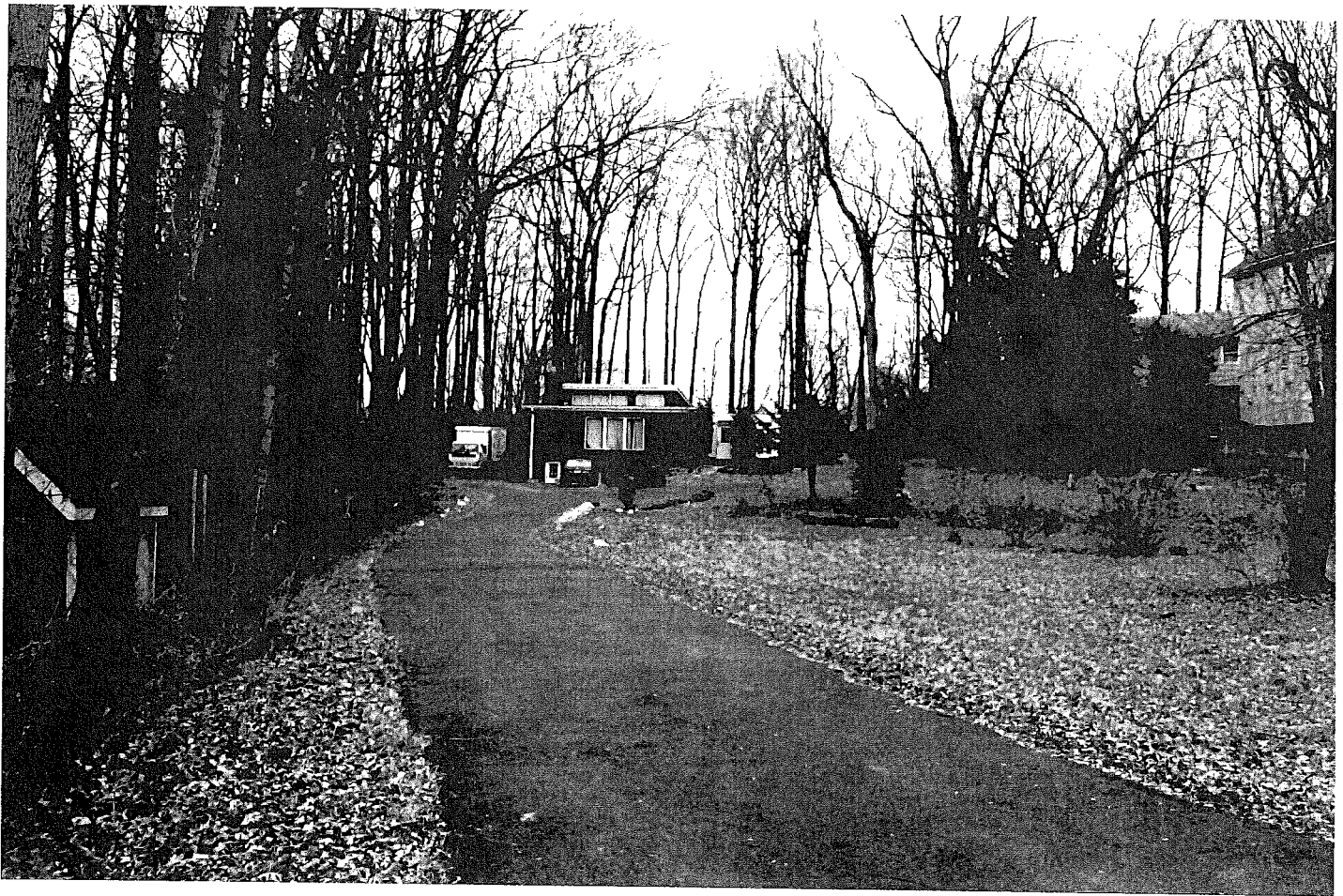
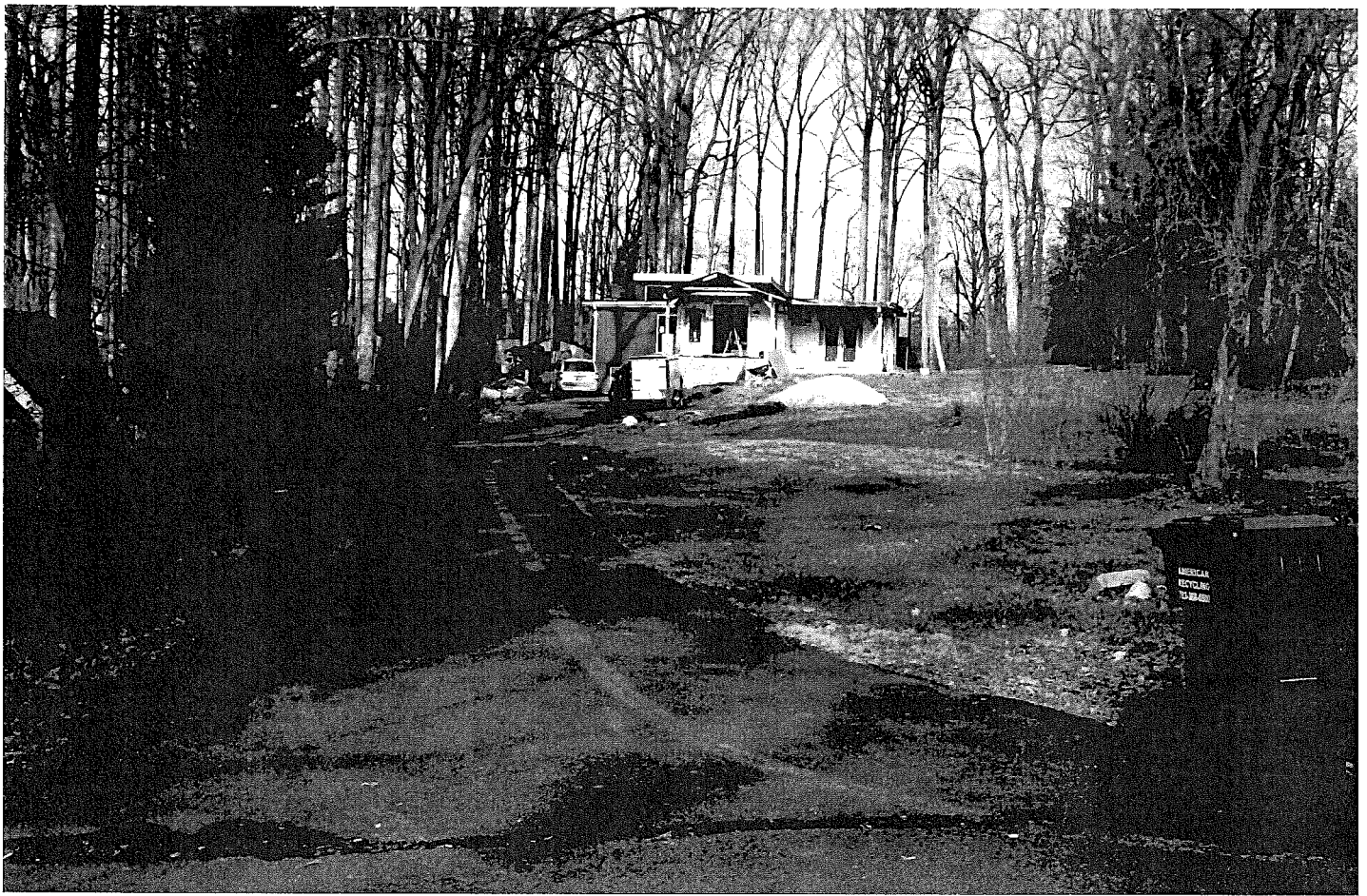
Left Side View

brick chimney

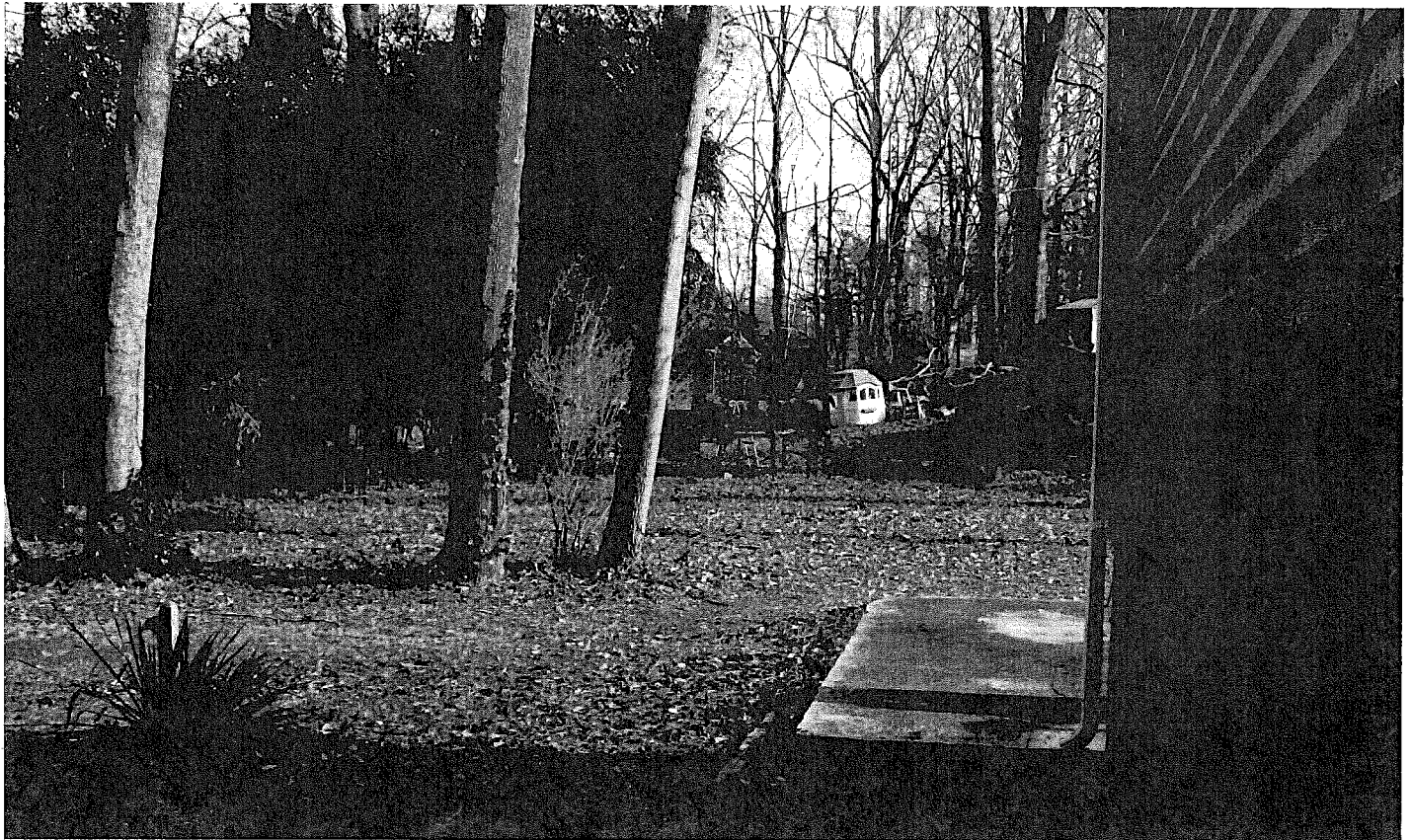
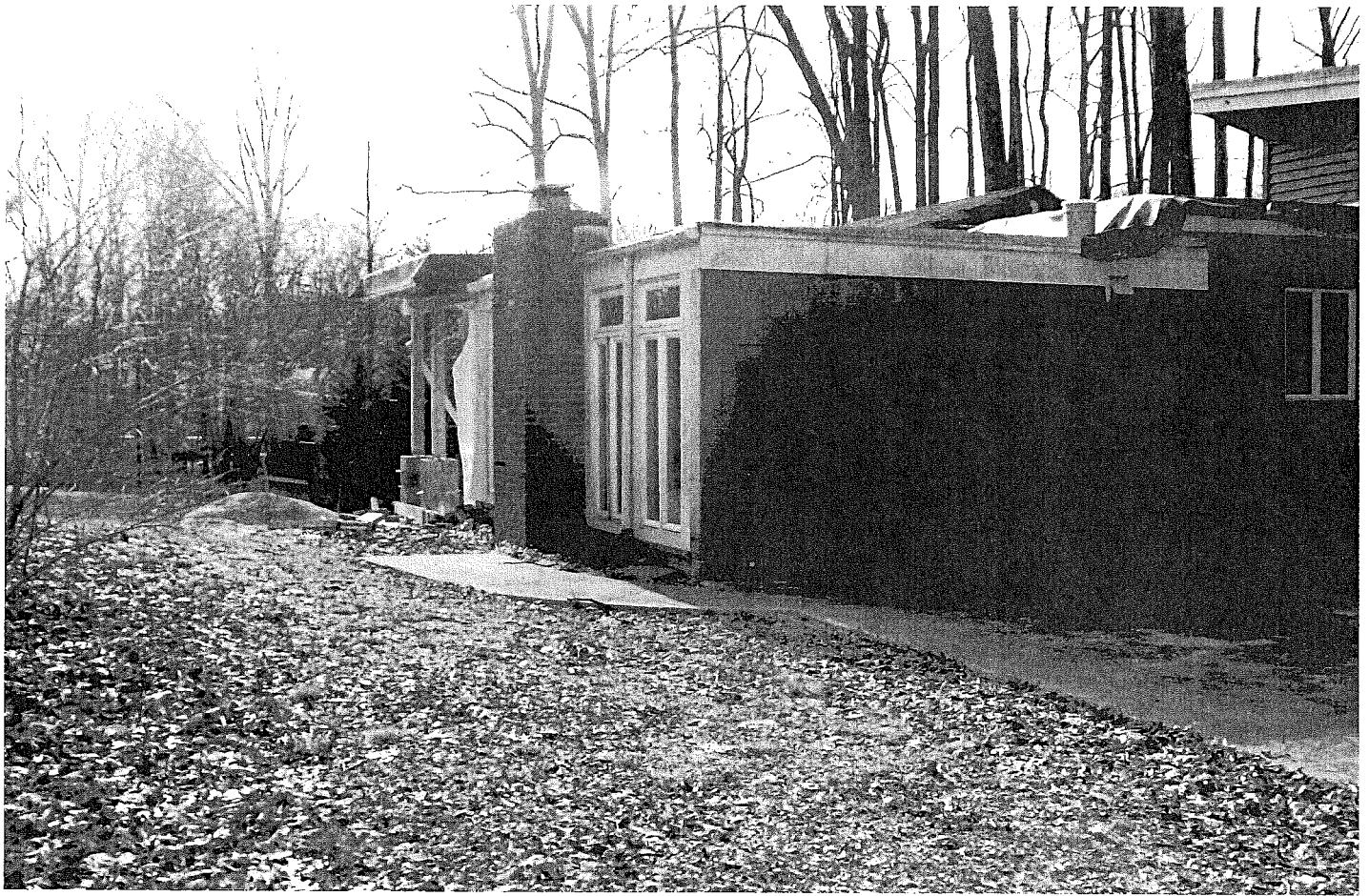
existing retaining wall

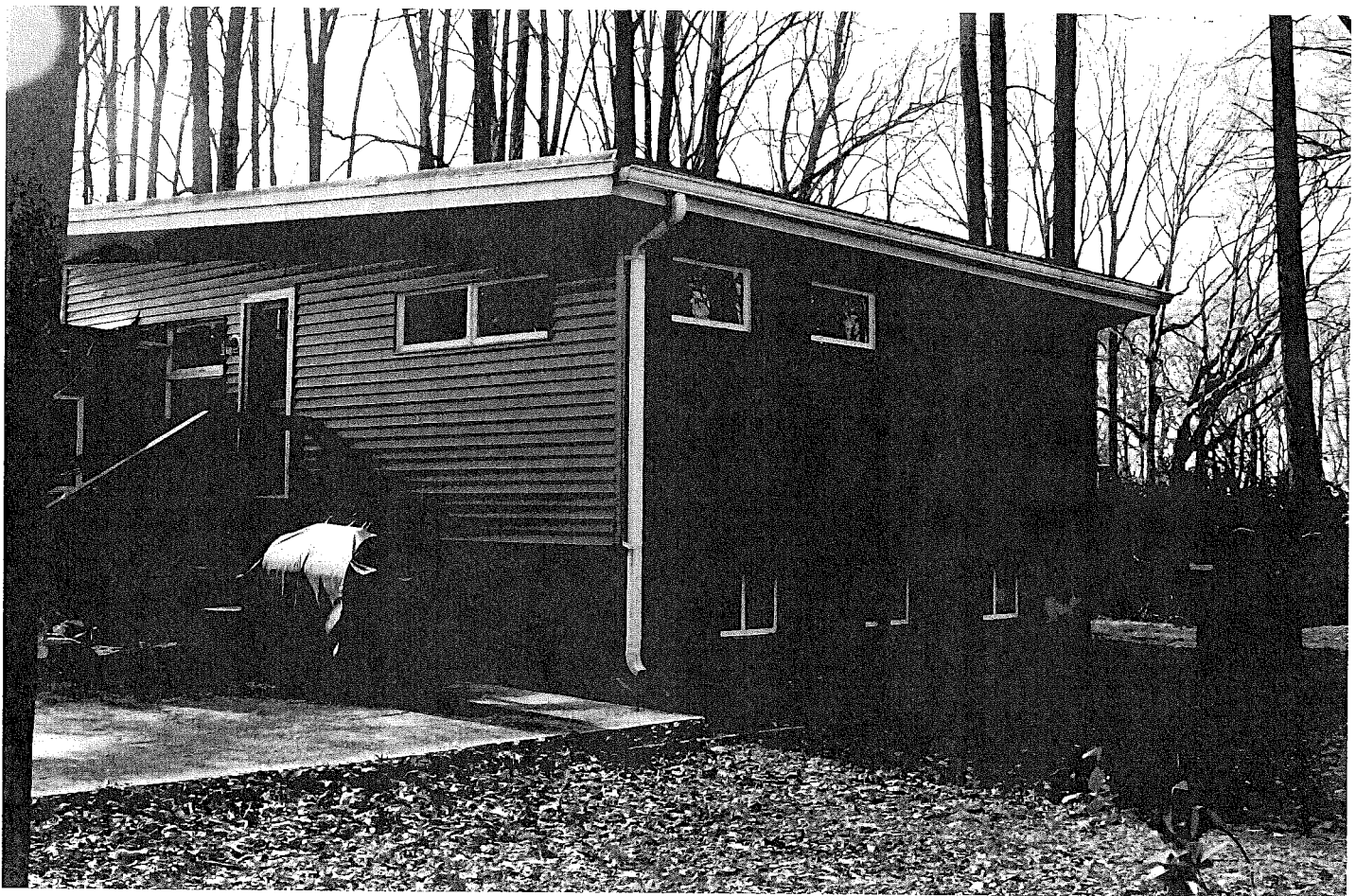
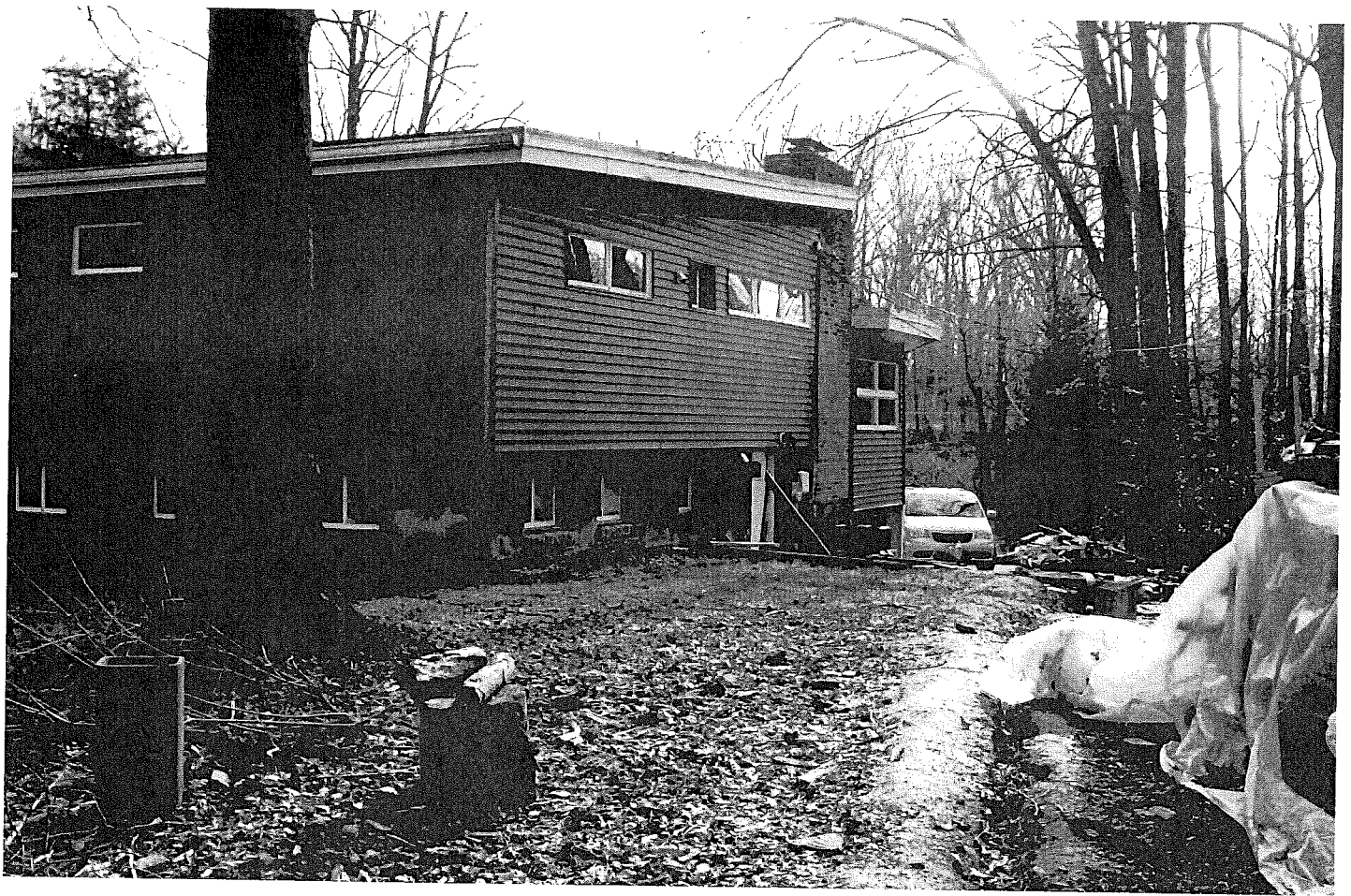
16x8 continuous footing

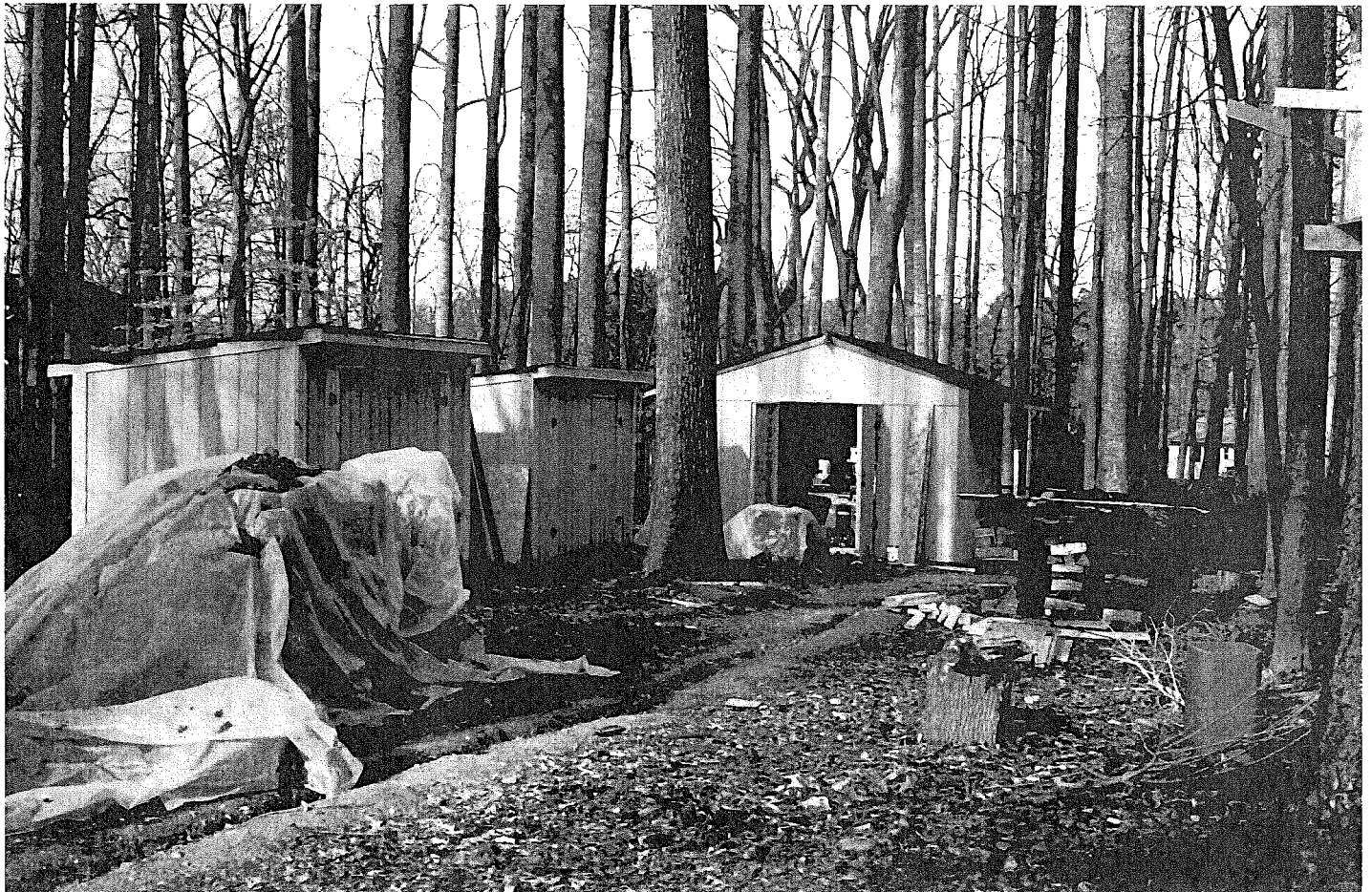
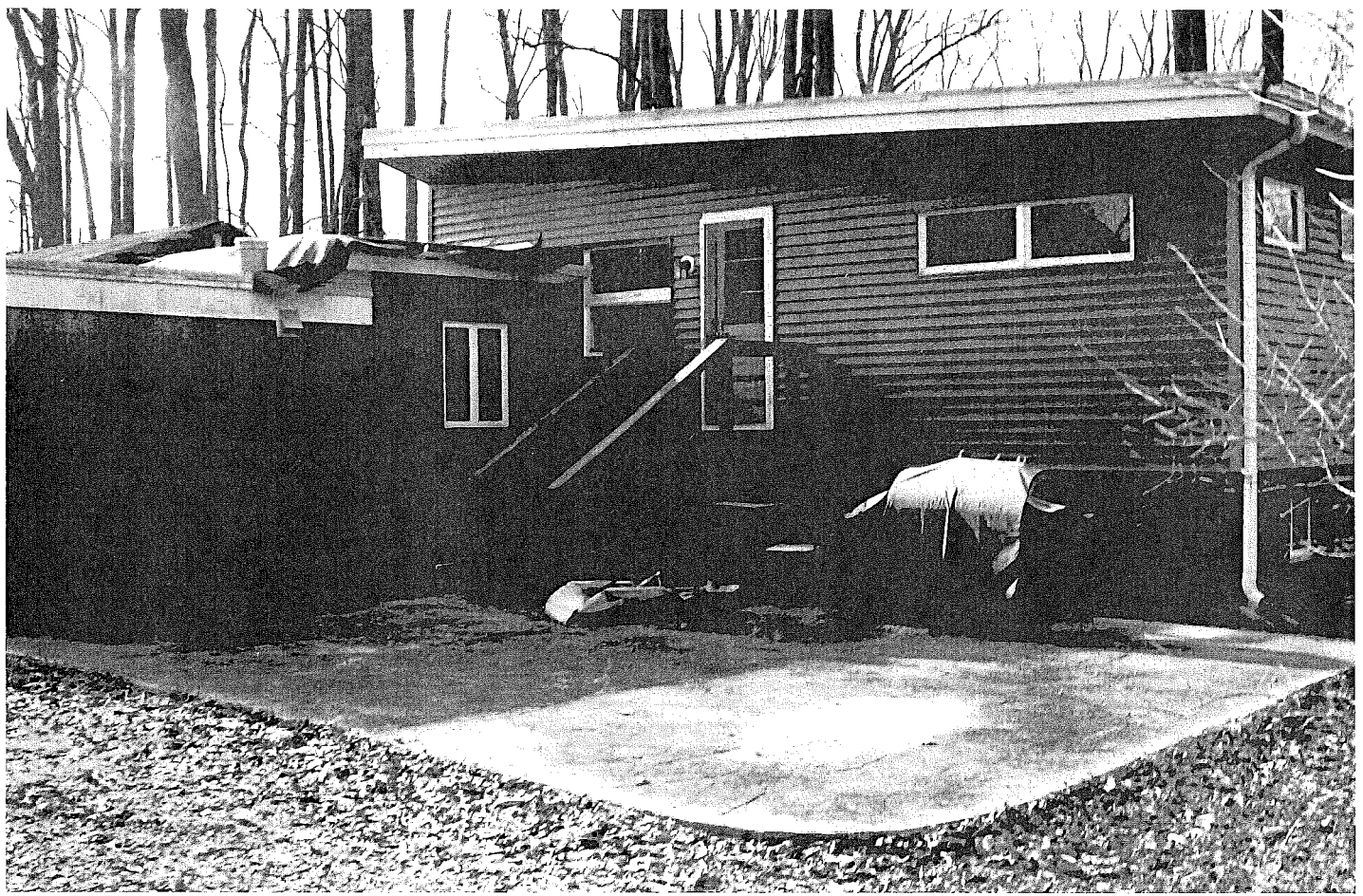


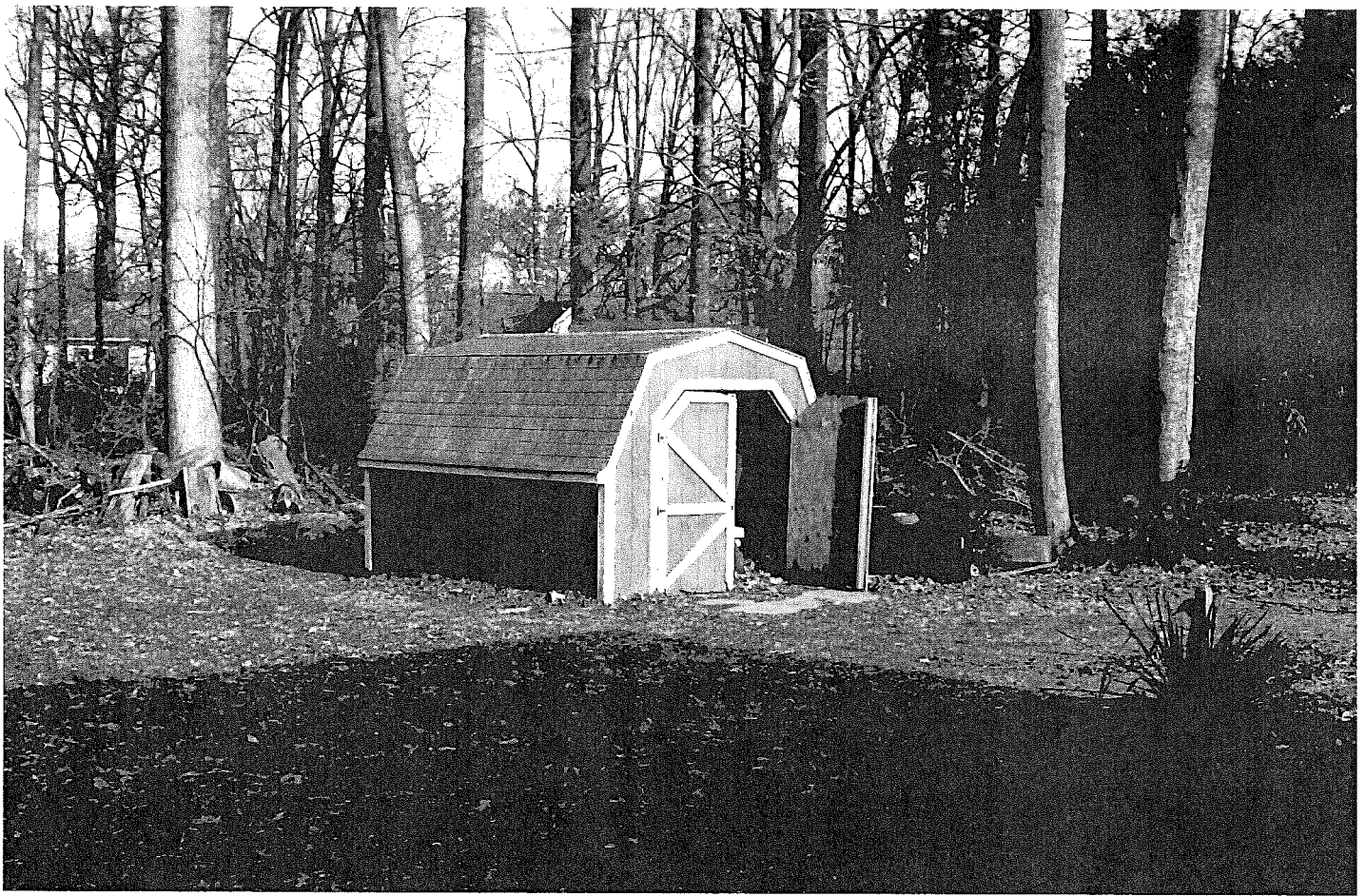


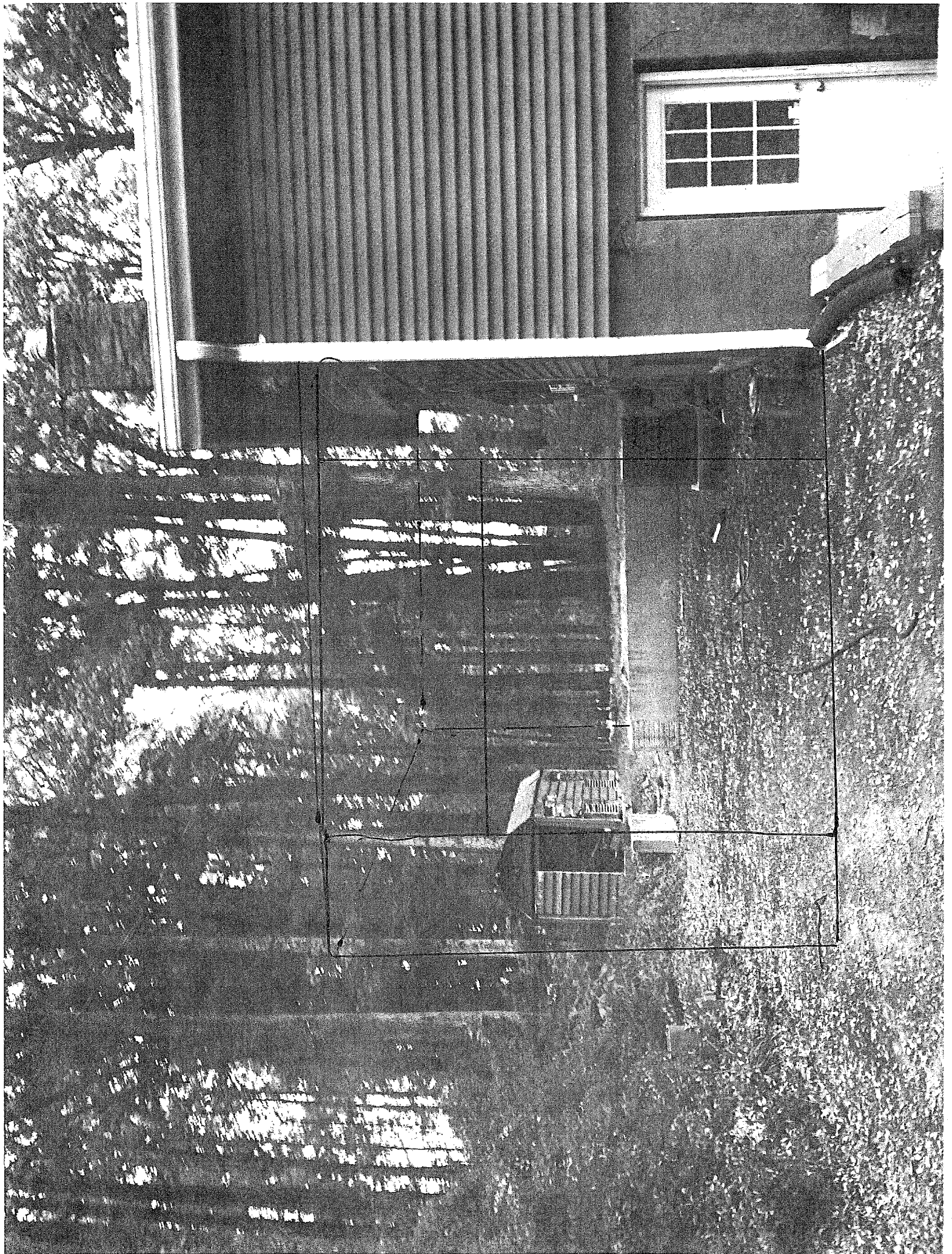


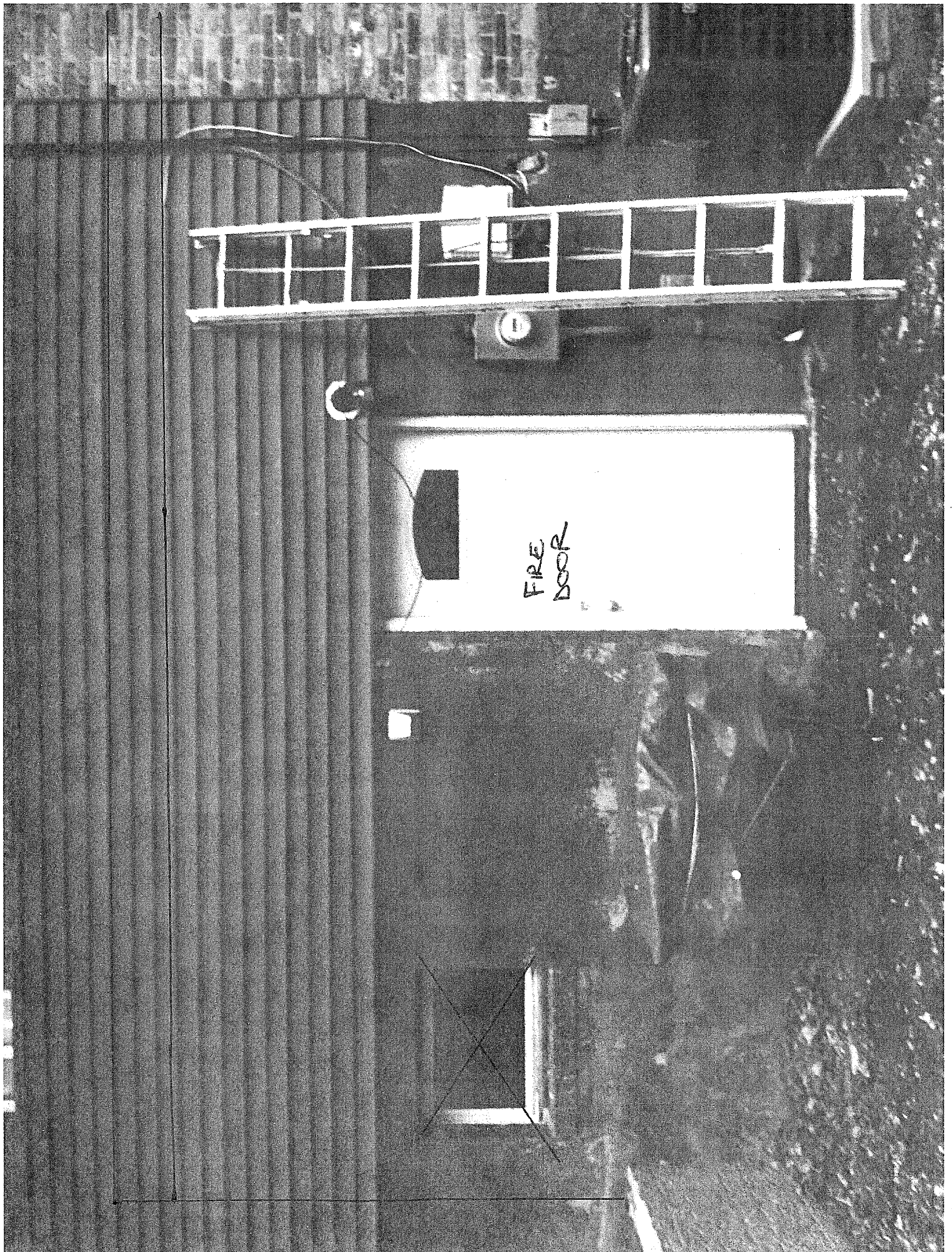


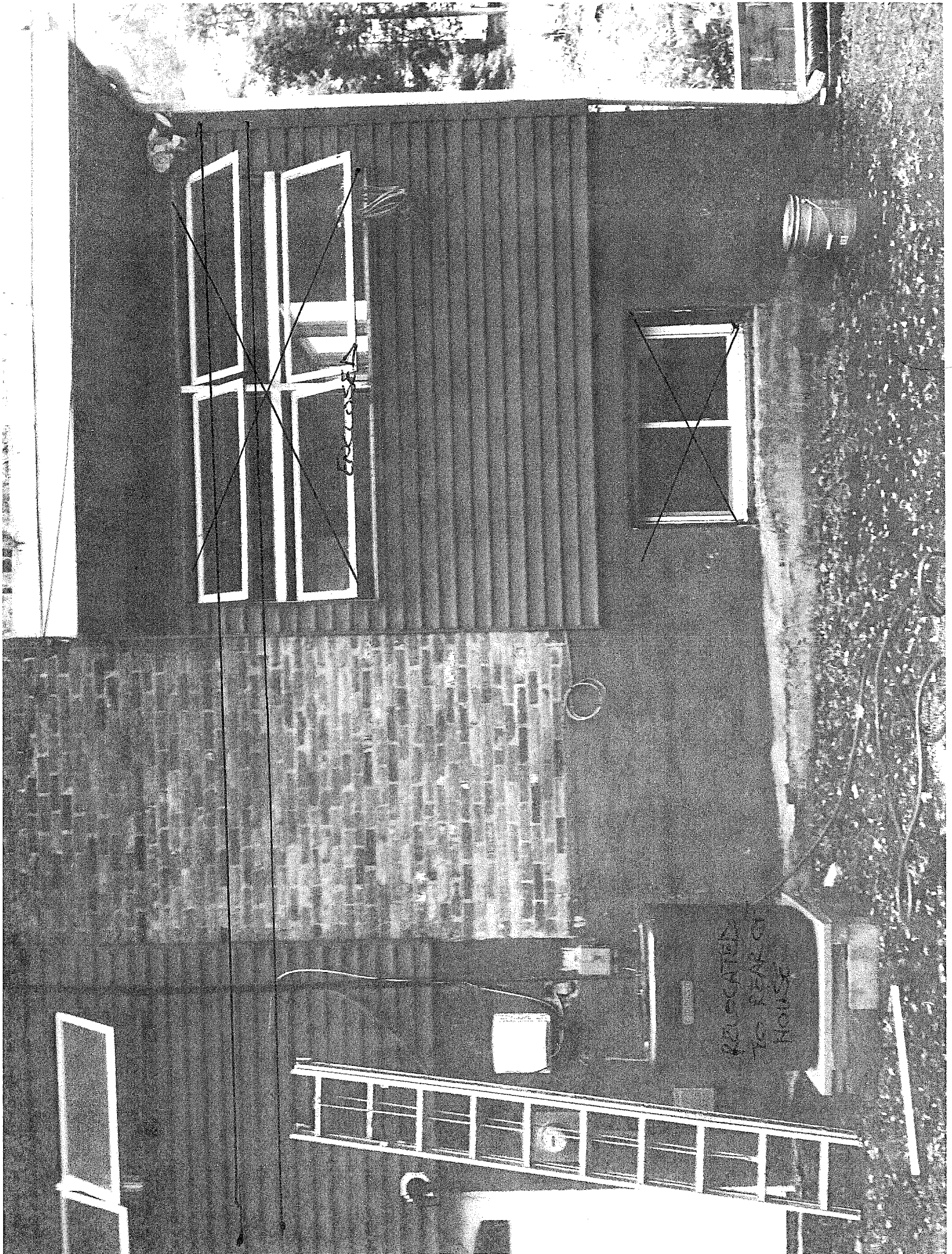












DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of three special permits. The first two requests are to permit reduction of minimum yard requirements based on errors in building locations to permit 1) an 11.0 foot tall accessory storage structure (shed) to remain 10.3 feet from the rear lot line and 8.4 feet from the western side lot line and 2) a 9.6 foot tall accessory storage structure (shed) to remain 1.7 feet from the western side lot line.

Special Permit	Structure	Yard	Min. Yard Req.*	Structure Location	Amount of Error	Percent of Error
Request #1	Accessory Storage Structure #1	Rear	11 feet	10.3 feet	0.7 feet	0.06%
		Side	20 feet	8.4 feet	11.6 feet	58.0%
Request #2	Accessory Storage Structure #2	Side	20 Feet	1.7 feet	18.3 feet	91.5%

The third special permit request is for reduction of certain yard requirements to permit construction of an addition, an attached garage, approximately 16 feet by 22 feet in size to be located 13.0 feet from the western side lot line. Elevation drawings are included at the front of the staff report.

Request #3	Addition	Side	20 feet	13.0 feet	7.0 feet	35.0%
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*Minimum Yard Requirement per Sections 3-107 and 10-104.

EXISTING SITE DESCRIPTION

The 38,734 square foot lot is zoned R-1 and developed with an existing split-level single family detached dwelling. According to tax records, an addition was constructed in 1965. A covered front porch addition is under construction. According to the special permit plat, the existing gross floor area of the dwelling is 3,274 square feet.

The dwelling includes attached steps which lead to a concrete patio attached to the rear of the dwelling. Three accessory storage structures, sheds, are located in the rear of the property within the western side yard. A 8.4 foot tall, 102 square foot shed is located 1.8 feet from the western side lot line and compliant with setback requirements. A 9.6 foot tall, 102 square foot shed is located 1.7 feet from the western side lot line; an 11.0 foot tall, 203 square foot shed is located 8.4 feet from the western side lot line and 10.3 feet from the rear lot line.

A five foot tall chain link fence, which appears to belong to a neighboring property owner exists along a portion of the western side property line.

The lot is level and contains many mature trees throughout the property. The site is accessed via a hard surfaced driveway from Stewart Street.

LOCATION AND CHARACTER OF THE AREA

	Zoning	Use
North	R-1	Single Family Detached Dwellings
South	R-1	Single Family Detached Dwellings
East	R-1	Single Family Detached Dwellings
West	R-1	Single Family Detached Dwellings

BACKGROUND

The dwelling was constructed in 1955. The applicant received a permit for a one story foyer and open porch addition in 2012. The applicant purchased the property in 2012. The applicant applied for a building permit for an addition, an attached garage, in June of 2012, which was denied because the structure would be too close to the side lot line. In July of 2012, the applicant received a building permit for the covered front porch addition.

During the application acceptance process, staff found two of three existing accessory storage structures did not meet setback requirements.

Staff does not know when the accessory storage structures were erected or have any records pertaining to the structures. The 11.0 foot tall shed exceeds 200 square feet and a building permit is required. A development condition is included to address this deficiency.

A copy of the special permit plat titled "Dominion Surveyors Inc., dated February 22, 2013, as revised through March 12, 2013, signed by George M. O'Quinn, Land Surveyor, is included at the front of the staff report.

Following the adoption of the current Ordinance, the BZA has heard the following variance requests in the vicinity of the application parcel:

- Variance (VC) 90-S-011 was approved on May 2, 1990, for Tax Map 78-2 ((03)) 24, zoned R-1, at 5806 Fitzhugh Street, to permit construction of garage with a second story addition, 12.0 feet from the side lot line and a total minimum of 33.3 feet (12.0 feet minimum with total minimum of 40.0 feet required).
- Variance (VC) 92-S-038 was approved on July 22, 1992, for Tax Map 78-2 ((02)) 10, zoned R-1, at 8816 Stewart Street, to permit construction of garage 7.48 feet from side lot line.

ZONING ORDINANCE REQUIREMENTS (See Appendix 4)

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- Provisions for Approval of Reduction of the Minimum Yard Requirements Based on an Error in Building Location (Sect. 8-914)
- Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

Sect. 8-006 General Special Permit Standards

Staff believes that the application meets all of the 8 General Special Permit Standards with notes regarding General Standards 3.

General Standard 3 requires that the proposed uses be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. *The general character of the residential neighborhood is a mix of one and two-story homes. The applicant indicates with the elevations that the proposed addition will be built to match the existing home.*

Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

This special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 5 relates to existing accessory structures, which does not apply to this application and Standard 10 allows the BZA to impose development conditions. *Staff believes that the application has met all of the remaining standards, specifically Standards 4, 6, 7, 8, and 9.*

Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if

a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. *According to the stamped drawings provided by the surveyor, the existing dwelling has 3,274 square feet of living area. Therefore 150% of the total gross floor area could result in an addition up to 4,911 square feet square feet in size for a possible total building size of 8,185 square feet above-grade living area. The proposed addition is approximately 482 square feet in area, thereby realizing a total house size of 3,756 square feet. Therefore the application meets this provision.*

Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The applicant has provided architectural elevations for the proposed addition which indicated the addition to be built to match the existing dwelling. The addition will be at the side of the dwelling at the terminus of and on the existing driveway. The height of the proposed addition is in character with the existing dwelling. The proposed addition appears to blend in with the bulk of the existing structure. Staff believes this standard has been met.

Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. The proposed addition is in the location of the existing driveway. No additional impervious surface will be added. No trees or vegetation will be removed. The request is harmonious with surrounding uses because the addition will be in the location of the existing driveway. The bulk and scale is harmonious with the existing dwelling and surrounding properties because the area and height of the dwelling will not increase. Staff believes this standard has been met.

Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and storm water runoff. The carport enclosure will not adversely impact the adjacent properties. It will allow the applicant to enclose storage that is presently visible to neighbors and will enhance the appearance of the property. The proposed addition will not encroach into an RPA or storm water easement. Because the addition is on the footprint of the existing driveway, no new impervious area is proposed. Staff believes this standard is met.

Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. The addition is on the footprint of

the existing driveway. There is no proposed impact to topography or vegetation. Staff believes this is the most logical location for the garage addition and this standard has been met.

CONCLUSION

Staff finds that the subject application is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

APPENDICES

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Zoning Ordinance Provisions

PROPOSED DEVELOPMENT CONDITIONS**SP 2013-SP-045****September 4, 2013**

If it is the intent of the Board of Zoning Appeals to approve SP 2013-SP-045 located at 8904 Stewart Street, Tax Map 78-2 ((02)) 12 to permit reduction of certain yard requirements pursuant to Section 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved only for the location of proposed garage addition (approximately 482 square feet), as shown on the plat prepared by Dominion Surveyors Inc., dated February 22, 2013, as revised through March 12, 2013, signed by George M. O'Quinn, Land Surveyor, submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (3,274 square feet existing + 4,911 square feet (150%) = 8,185 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall generally be consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.
5. All applicable permits and inspections shall be obtained for the 203 square foot accessory storage structure within six months of approval of this permit.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

RECEIVED
Department of Planning & Zoning

AUG 14 2012

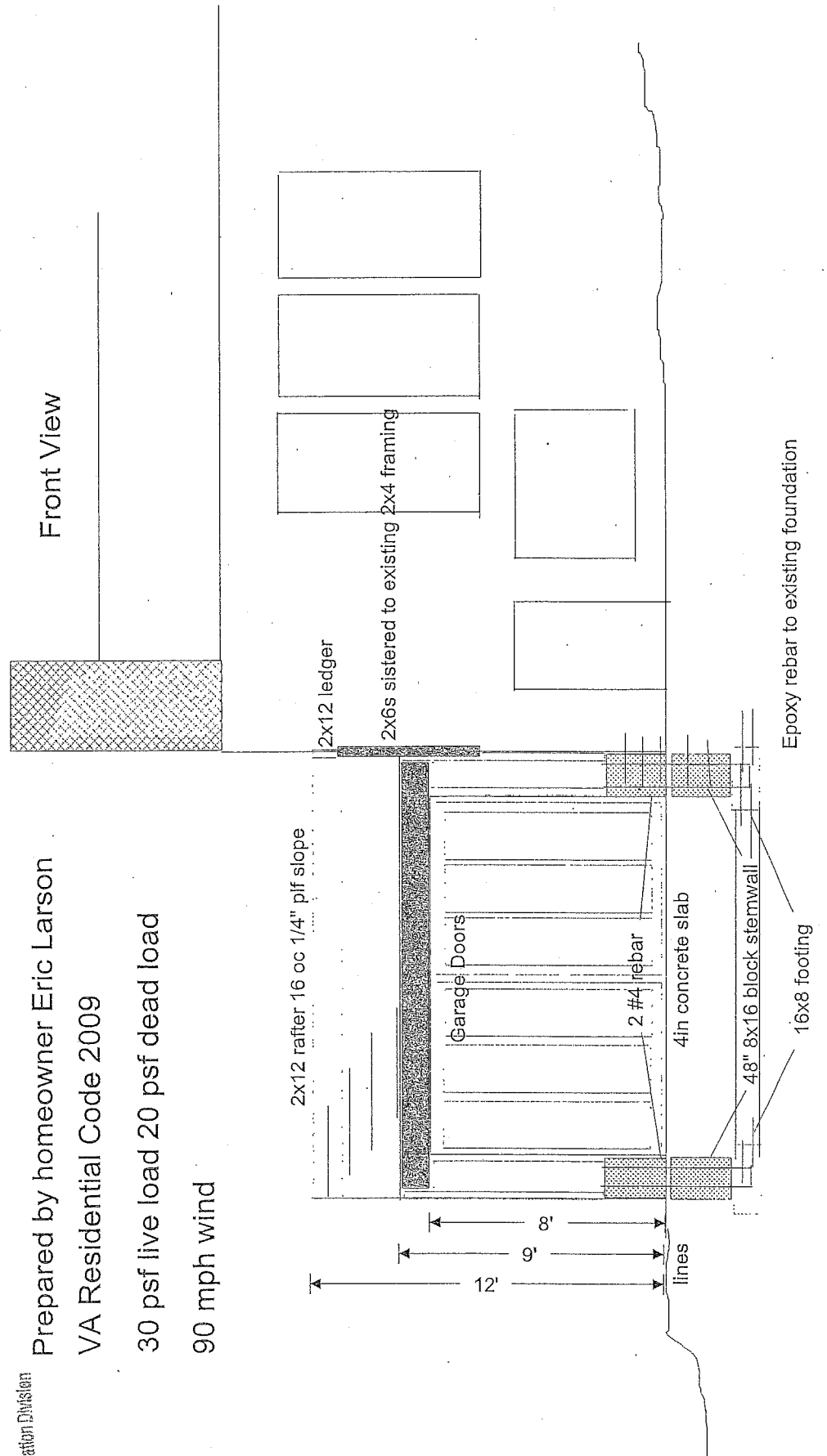
Zoning Evaluation Division

Prepared by homeowner Eric Larson

VA Residential Code 2009

30 psf live load 20 psf dead load

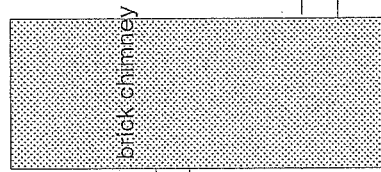
90 mph wind



RECEIVED
Department of Planning & Zoning

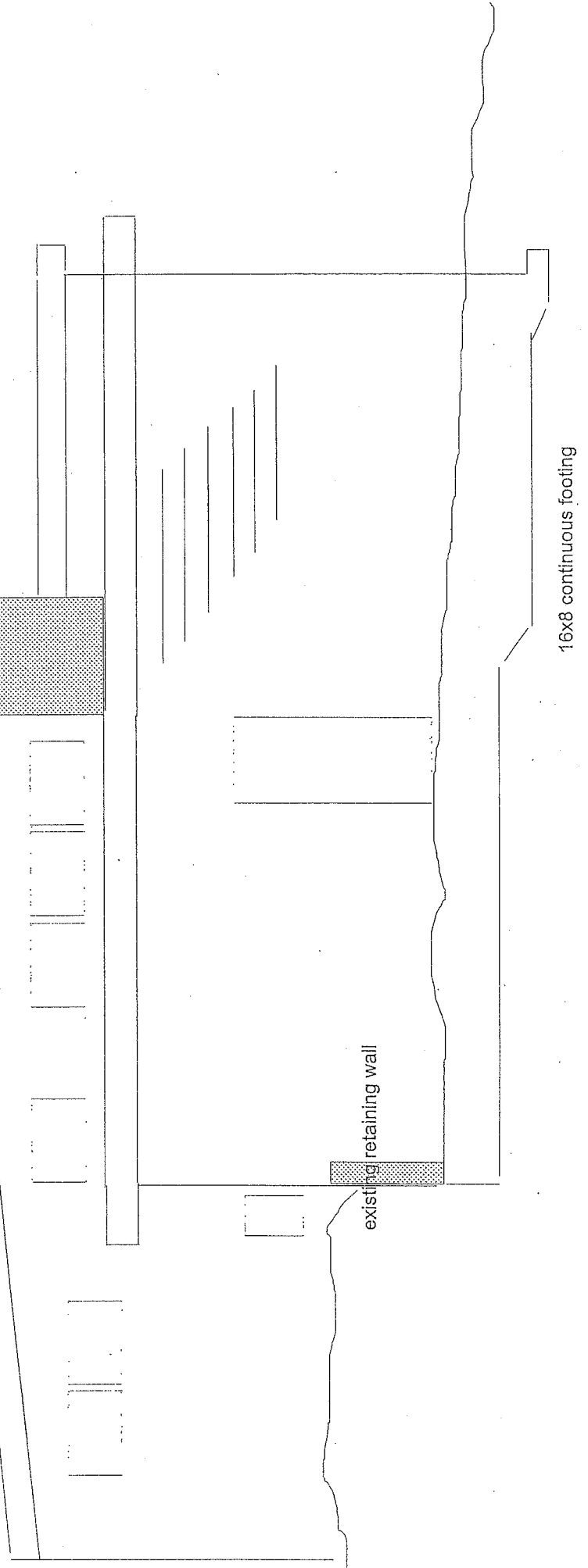
AUG 14 2012

Zoning Evaluation Division



brick chimney

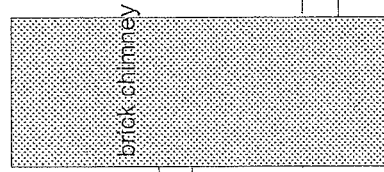
Left Side View



existing retaining wall

16x8 continuous footing

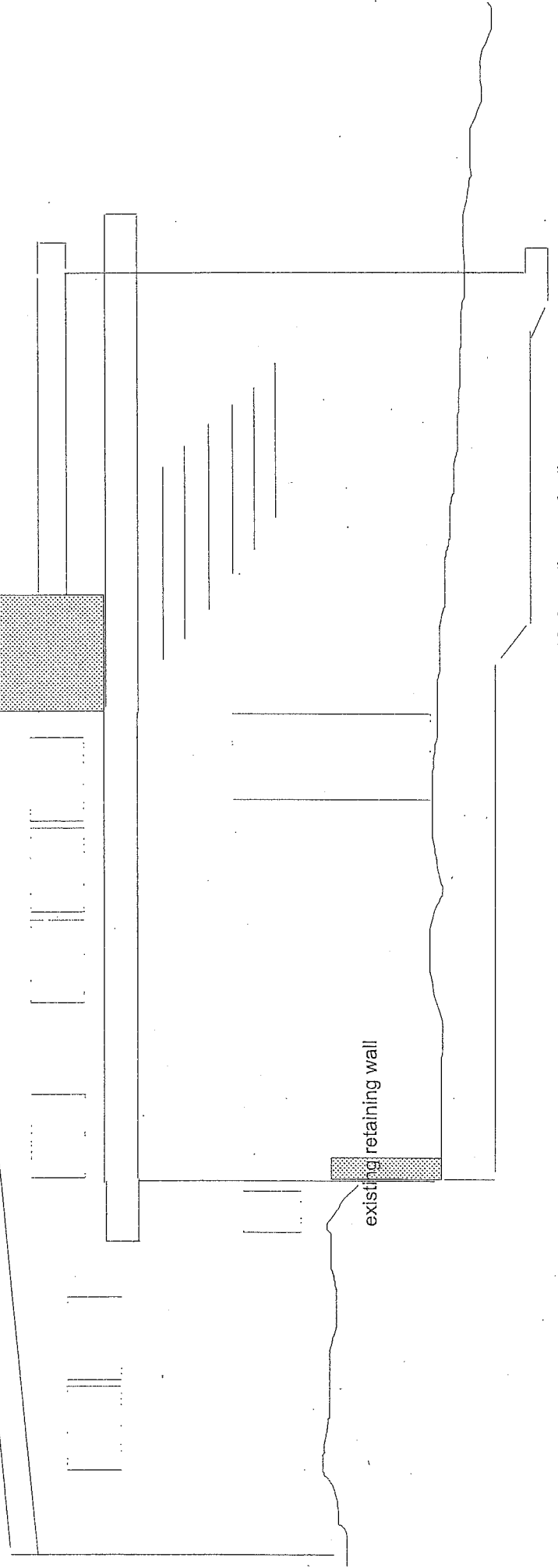
Left Side View



brick chimney

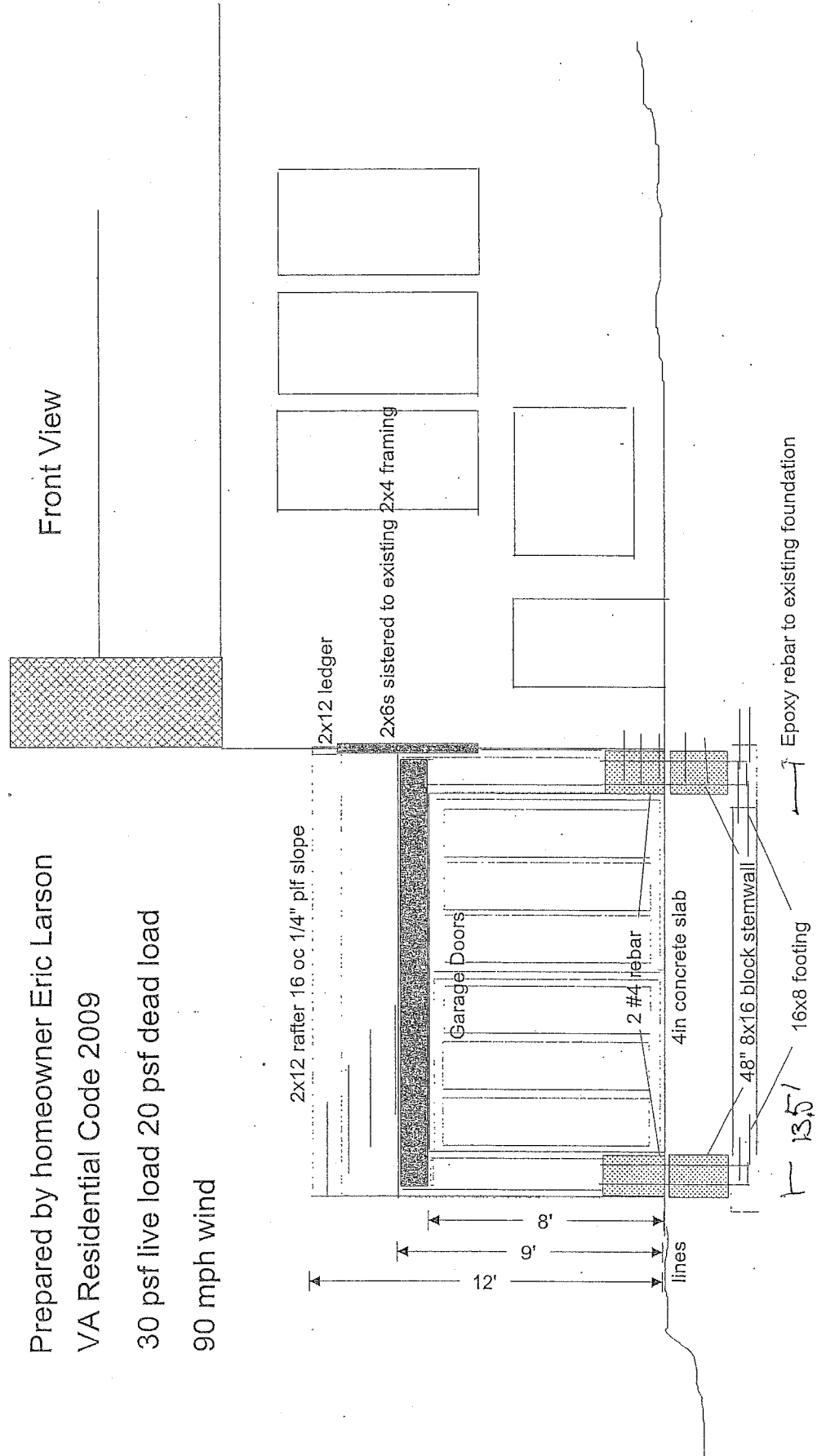
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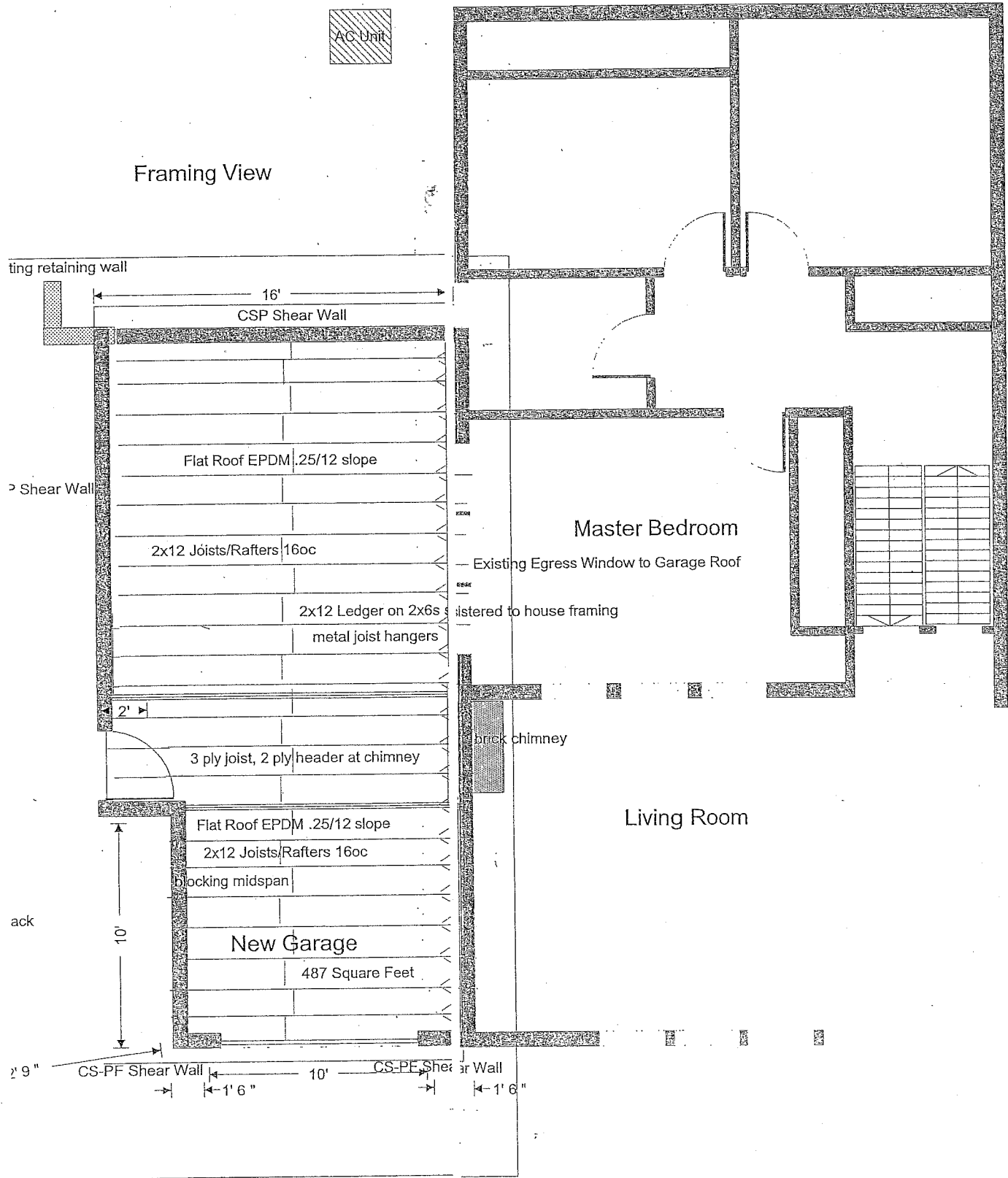
Prepared by homeowner Eric Larson
VA Residential Code 2009

30 psf live load 20 psf dead load
90 mph wind





Framing View



Application No.(s): _____
 (county-assigned application number(s), to be entered by County Staff)

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: August 14, 2012
 (enter date affidavit is notarized)

I, Eric J. Larson, do hereby state that I am an
 (enter name of applicant or authorized agent)

(check one) ☒ applicant
 ☐ applicant's authorized agent listed in Par. 1(a) below

117569

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,* and, if any of the foregoing is a **TRUSTEE,**** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in BOLD above)
Eric J. Larson	8904 Stewart St., Burke, VA 22015	Title Owner
Maite A. Larson	8904 Stewart St., Burke, VA 22015	Title Owner

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Two

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: August 14, 2012
(enter date affidavit is notarized)

117569

1(b). The following constitutes a listing*** of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

CORPORATION INFORMATION

NAME & ADDRESS OF CORPORATION: (enter complete name, number, street, city, state, and zip code)

DESCRIPTION OF CORPORATION: (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below

NAMES OF SHAREHOLDERS: (enter first name, middle initial, and last name)

NOT APPLICABLE

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Three

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: August 14, 2012
(enter date affidavit is notarized)

117569

- 1(c). The following constitutes a listing*** of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

PARTNERSHIP INFORMATION

PARTNERSHIP NAME & ADDRESS: (enter complete name, number, street, city, state, and zip code)

(check if applicable) ☐ The above-listed partnership has no limited partners.

NAMES AND TITLE OF THE PARTNERS (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

NOT APPLICABLE

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

*** All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): _____
(county-assigned application number(s), to be entered by County Staff)

Page Four

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: August 14, 2012
(enter date affidavit is notarized)

117569

1(d). One of the following boxes **must** be checked:

- ☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land:

~~NOT APPLICABLE~~



Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

- (check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: August 14, 2012
(enter date affidavit is notarized)

117569

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

NONE


(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

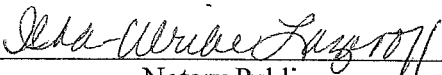
WITNESS the following signature:

(check one)


☒ Applicant ☐ Applicant's Authorized Agent
ERIK J. LARSON

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 14 day of August 2012, in the State/Comm. of Virginia, County/City of FAIRFAX.


Notary Public

My commission expires: 06/30/2015

Ilka-Ulrike Lazaroff
Notary Public 7502556
Commonwealth of Virginia
My Commission Expires 06/30/2015

RECEIVED
Department of Planning & Zoning

MAR 25 2013

Zoning Evaluation Division

8904 Stewart St
Burke VA 22015

25 March 2013

Dear Sir/Ma'am,

I request a special permit to construct an attached one-story, single-car garage next to my home within the required 25-foot setback but reducing it by no more than 50%. I will adjust any plans to meet the requirements of the board to include landscaping or redesign. This would provide protected parking for the residence. The home is in a neighborhood of larger homes with two car garages and the request is consistent with the character of the neighborhood. The home currently lacks any parking protected from weather or debris falling from very large trees on the property. The requested garage is at the back of neighboring residences and will not infringe on any lighting or sight lines as it is below the existing house roof level.

No hazardous or toxic substances will be generated, utilized, stored, treated, and/or disposed of on-site. No storage tanks or containers will be constructed.

The proposed development conforms to provisions of all applicable ordinances, regulations and adopted standards. The waiver special permit request submitted is for the reduction of certain yard requirements to permit an addition to be constructed 12.5 feet from the side lot line.

The proposed addition is 13 feet wide at the front of the house and 13.6 feet from the side lot line. It is 482 square feet in size and 12 feet high. It is 32 feet long. As calculated and identified on the attached special permit plat, the existing first floor area is 1817 sf. The existing basement is 1457 sf for a total of 3274 sf. The existing floor area ratio is 0.08. The proposed garage to existing GFA is 0.15. The proposed floor area / lot area is 0.10.

Sincerely,


Eric Larson, homeowner

8904 Stewart St
Burke VA 22015

25 March 2013

Dear Sir/Ma'am,


I request a special permit to construct an attached one-story, single-car garage next to my home within the required 25-foot setback but reducing it by no more than 50%. I will adjust any plans to meet the requirements of the board to include landscaping or redesign. This would provide protected parking for the residence. The home is in a neighborhood of larger homes with two car garages and the request is consistent with the character of the neighborhood. The home currently lacks any parking protected from weather or debris falling from very large trees on the property. The requested garage is at the back of neighboring residences and will not infringe on any lighting or sight lines as it is below the existing house roof level.

No hazardous or toxic substances will be generated, utilized, stored, treated, and/or disposed of on-site. No storage tanks or containers will be constructed.

The proposed development conforms to provisions of all applicable ordinances, regulations and adopted standards. The waiver special permit request submitted is for the reduction of certain yard requirements to permit an addition to be constructed 12.5 feet from the side lot line.

The proposed addition is 13 feet wide at the front of the house and 13.6 feet from the side lot line. It is 482 square feet in size and 12 feet high. It is 32 feet long. As calculated and identified on the attached special permit plat, the existing first floor area is 1817 sf. The existing basement is 1457 sf for a total of 3274 sf. The existing floor area ratio is 0.08. The proposed garage to existing GFA is 0.15. The proposed floor area / lot area is 0.10.

I REQUEST ERROR IN BUILDING LOCATION FOR SHEDS 1 AND 2. THE ERROR EXCEEDS 10 PERCENT OF THE MEASUREMENT INVOLVED. THE NONCOMPLIANCE WAS DONE IN GOOD FAITH. SUCH REDUCTION WILL NOT IMPAIR THE PURPOSE OR INTENT OF THIS ORDINANCE. Sincerely,
IT WILL NOT BE DETRIMENTAL TO THE USE AND ENJOYMENT OF OTHER Eric Larson, homeowner PROPERTY IN THE IMMEDIATE VICINITY. IT WILL NOT CREATE AN UNSAFE CONDITION WITH RESPECT TO OTHER PROPERTY. TO FORCE COMPLIANCE WOULD CAUSE UNREASONABLE HARDSHIP. THE REDUCTION WILL NOT RESULT IN AN INCREASE IN DENSITY OR FLOOR AREA RATIO FROM THAT PERMITTED BY THE APPLICABLE ZONING DISTRICT REGULATIONS.




8904 Stewart St
Burke VA 22015

10 August 2012

Dear Sir/Ma'am,

I request a special permit to construct an attached one-story, single-car garage next to my home within the required 25-foot setback but reducing it by no more than 50%. I will adjust any plans to meet the requirements of the board to include landscaping or redesign. This would provide protected parking for the residence. The home is in a neighborhood of larger homes with two car garages and the request is consistent with the character of the neighborhood. The home currently lacks any parking protected from weather or debris falling from very large trees on the property. The requested garage is at the back of neighboring residences and will not infringe on any lighting or sight lines as it is below the existing house roof level.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eric Larson', with a long horizontal flourish extending to the right.

Eric Larson, homeowner

RECEIVED
Department of Planning & Zoning
AUG 14 2012
Zoning Evaluation Division

8904 Stewart St
Burke VA 22015

28 December 2012

Dear Sir/Ma'am,

I request a special permit to construct an attached one-story, single-car garage next to my home within the required 25-foot setback but reducing it by no more than 50%. I will adjust any plans to meet the requirements of the board to include landscaping or redesign. This would provide protected parking for the residence. The home is in a neighborhood of larger homes with two car garages and the request is consistent with the character of the neighborhood. The home currently lacks any parking protected from weather or debris falling from very large trees on the property. The requested garage is at the back of neighboring residences and will not infringe on any lighting or sight lines as it is below the existing house roof level.

No hazardous or toxic substances will be generated, utilized, stored, treated, and/or disposed of on-site. No storage tanks or containers will be constructed.

The proposed development conforms to provisions of all applicable ordinances, regulations and adopted standards. The waiver special permit request submitted is for the reduction of certain yard requirements to permit an addition to be constructed 12.5 feet from the side lot line.

The proposed addition is 13.5 feet wide at the front of the house and 12.8 feet from the side lot line. It is 487 square feet in size and 12 feet high. It is 32 feet long. At 10 feet deep, it is 16 feet wide and 15 feet from the side lot line.

Sincerely,



Eric Larson, homeowner

RECEIVED
Department of Planning & Zoning

DEC 28 2012

Zoning Evaluation Division

8-006 General Standards

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

8-903 Standards For All Group 9 Uses

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-914 Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location

The BZA may approve a special permit to allow a reduction to the minimum yard requirements for any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected, but only in accordance with the following provisions:

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia and such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
 - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of well and/or septic field.
 - I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
 - K. Seal and signature of professional person certifying the plat.

In addition, the application shall contain a statement of justification explaining how the error in building location occurred and any supportive material such as aerial photographs, Building Permit applications, County assessments records, a copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

2. The BZA determines that:
 - A. The error exceeds ten (10) percent of the measurement involved, and
 - B. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
 - C. Such reduction will not impair the purpose and intent of this Ordinance, and
 - D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
 - E. It will not create an unsafe condition with respect to both other property and public streets, and
 - F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.
 - G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
3. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.
4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.

8-922 Provisions for Reduction of Certain Yard Requirements

The BZA may approve a special permit to allow a reduction of certain yard requirements subject to all of the following:

1. Only the following yard requirements shall be subject to such special permit:
 - A. Minimum required yards, as specified in the residential, commercial, industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.
 - B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.
 - C. Accessory structure location requirements set forth in Sect. 10-104.
 - D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

Approval of a reduction of yard requirements specified in Paragraphs A, B and C above shall not result in any yard that is less than fifty (50) percent of the requirement and shall not result in any yard of less than five (5) feet, as measured from the lot line to the closest point of the proposed structure.

Approval of a reduction of yard requirements specified in Par. D above shall not result in an extension that exceeds the applicable distances set forth in Sect. 2-412 by more than fifty (50) percent. Where no extension is permitted by the provisions of Sect. 2-412, the BZA shall not approve a special permit that results in a structure that extends into a minimum required yard by more than fifty (50) percent.

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources.

10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
 - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
 - B. Total area of the property and of each zoning district in square feet or acres.
 - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
 - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
 - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
 - F. Means of ingress and egress to the property from a public street(s).
 - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
 - H. If applicable, the location of a well and/or septic field.
 - I. Existing and proposed gross floor area and floor area ratio.
 - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.

- K. The location, type and height of any existing and proposed landscaping and screening.
 - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
 - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.